



State of Wisconsin
1997 - 1998 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 2,
TO 1997 SENATE BILL 148**

March 12, 1998 – Offered by Senator HUELSMAN.

1 **AN ACT** *to renumber and amend* 893.55 (4) (f); and *to create* 893.55 (4) (f) 2.
2 of the statutes; **relating to:** limits on recovery for loss of society and
3 companionship for a death resulting from medical malpractice.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 893.55 (4) (f) of the statutes is renumbered 893.55 (4) (f) 1. and
5 amended to read:
6 893.55 (4) (f) 1. Notwithstanding the limits on noneconomic damages under
7 this subsection, damages recoverable against health care providers and an employe
8 of a health care provider, acting within the scope of his or her employment and
9 providing health care services, for any medical malpractice that occurred on or after
10 May 25, 1995, and resulted in a wrongful death, if an action for that wrongful death
11 is commenced before the effective date of this subdivision [revisor inserts date],

1 are subject to the limit under s. 895.04 (4). If damages in excess of the limit under
2 s. 895.04 (4) are found, the court shall make any reduction required under s. 895.045
3 and shall award the lesser of the reduced amount or the limit under s. 895.04 (4).

4 **SECTION 2.** 893.55 (4) (f) 2. of the statutes is created to read:

5 893.55 (4) (f) 2. Notwithstanding the limits on noneconomic damages under
6 this subsection, the total damages per occurrence recoverable for loss of society and
7 companionship against health care providers and an employe of a health care
8 provider, acting within the scope of his or her employment and providing health care
9 services, for any wrongful death action that is commenced on or after the effective
10 date of this subdivision ... [revisor inserts date], are limited to \$500,000. The amount
11 awarded under this subdivision shall be reduced by any amount awarded for
12 economic damages to a person awarded damages for loss of society and
13 companionship and by any other amount awarded for noneconomic damages because
14 of the occurrence, except that any amount awarded for the reasonable cost of medical
15 expenses and funeral expenses, including the reasonable cost of a cemetery lot, grave
16 marker and care of the lot, shall not reduce the amount awarded under this
17 subdivision. Any reduction in the amount awarded under this subdivision may not
18 reduce the amount awarded under this subdivision below \$150,000. If damages for
19 loss of society and companionship under this subdivision in excess of \$500,000 are
20 found, the court shall reduce the amount to \$500,000 and make any reduction
21 required by this subdivision from \$500,000.

22 (END)